

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Sean Pierre Flattery,)	Civil Action No.: 9:20-cv-02600-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Kilolo Kijakazi, ¹ Acting)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
)	

This matter is before the Court for review of the Report and Recommendation ("R & R") of the United States Magistrate Judge Molly H. Cherry.² *See* ECF No. 25. The Magistrate Judge recommends reversing and remanding the Commissioner's final decision for further administrative review. *Id.*

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.³

¹ Kilolo Kijakazi became the acting Commissioner of Social Security on July 9, 2021. Pursuant to Fed R. Civ. P. 25(d), she is substituted for former Commissioner Andrew Saul as the defendant in this action.

² This matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) for the District of South Carolina.

³ Objections were due by November 4, 2021. *See* ECF No. 25.

Furthermore, Defendant filed a notice stating Defendant would not be filing objections. ECF No. 26. In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note))).

Having found no clear error, the Court **ADOPTS** and incorporates by reference the Magistrate Judge's R & R [ECF No. 25]. Accordingly, pursuant to 42 U.S.C. § 405(g), the Court **REVERSES AND REMANDS** the Commissioner's final decision for further administrative action consistent with the R & R.

IT IS SO ORDERED.

Florence, South Carolina
November 8, 2021

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge